



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,734	08/04/2003	Antti Kiiveri	915-008.012	6648
4955 7590 08/21/2007 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER PERUNGAVOOR, VENKATANARAY	
			ART UNIT 2132	PAPER NUMBER
			MAIL DATE 08/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/634,734

Applicant(s)

KIIVERI ET AL.

Examiner

Venkat Perungavoor

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. As a result of the Pre-Appeal Brief Review, the instant case has been reopened. And the arguments put forth by the Applicant is persuasive and the rejection under 35 USC § 102(e) as being anticipated by US Patent 6678765 to Moscovici et al and 35 USC § 103(a) as being unpatentable over US Patent 6678765 to Moscovici et al in view of US Patent 6449281 to Smith is hereby withdrawn. However, upon further search a new prior art was found that reads on the claims and herein follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-4, 7, 9-10, 13, 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6724 554 to Braithwaite et al.(hereinafter Braithwaite).
4. Regarding Claim 1, 7, 13, Braithwaite discloses the at least one storage area in storage circuit, in which storage area protected data relating to circuitry security are located see Col 7 Ln 50-65; mode setting means arranged to set processor in at least two different operating modes, the mode setting means being capable of altering the processor operating mode see Col 5 Ln 28-45; storage circuit access control means arranged to enable said processor to access the storage area in which said protected data are located when first processor operating mode is

set see Col 5 Ln 41-45; storage circuit access control means arranged to prevent said processor from accessing said storage area in which protected data are located when a second processor operating mode is set, thereby enabling said at least one processor to execute non-verified software downloaded into the circuitry see Col 5 Ln 28-31 & Abstract.

5. Regarding Claim 3, 9, 15, Braithwaite discloses the authentication via passwords see Col 11 Ln 11-16.
6. Regarding Claim 4, 10, 16, Braithwaite discloses the means to indicate which mode the processor is operating see Col 9 Ln 51-58.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
8. Claim 2, 6, 8, 12, 14, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6724 554 to Braithwaite et al.(hereinafter Braithwaite) in view of US Patent 2001/0055980 A1 to Sato.
9. Regarding Claim 2, 8,14, Braithwaite does not discloses the timer arranged to control a time period during which processor is in second mode. However, Sato discloses the timer being used to control period of usage see Par. 0014. It would be obvious to one having ordinary

Art Unit: 2132

skill in the art at the time of the invention to include the timer being used to control period of usage in the invention of Braithwaite in order to division of usage on CPU and memory as taught in Par. 0015.

10. Regarding Claim 6, 12, 18, Braithwaite does not disclose the circuitry being in a mobile telecommunication terminal. However, Sato discloses the circuitry being in a mobile telecommunication terminal see Fig. 2 item 23.
11. Claim 5, 11, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6724 554 to Braithwaite et al.(hereinafter Braithwaite) in view of US Patent 2002/0040442 A1 to Ishidera.
12. Regarding Claim 5, 11, 17, Braithwaite does not disclose the mode setting means comprise an application program. However, Ishider discloses the mode setting means comprises an application program see Fig. 1item 40. It would be obvious to one having ordinary skill in the art at the time of the invention to include mode setting means comprises an application program in the invention of Braithwaite in order to have an user access the mode setting feature as taught in Inshidera see Par. 0063.

Conclusion


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on

Art Unit: 2132

571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VP/
Venkat Perungavoor
Examiner
Art Unit 2132
August 15, 2007


GILBERTO BARRON JR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100